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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT APPEAL NO. 6 OF 2006 7

(ARISING OUT OF W.P. (S) NO. 6791/2006)

APPELLANT : R. S. Dhruv, aged about 58 years, Son of Shri Manjan Singh Dhruv, Working as an Additional Regional Transport Officer, Ambikapur, District Surguja (C.G.).

PETITIONER

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Through: The Secretary, Department of Transport, D.K.S. Bhawan, Raipur (C.G.).

2. The Special Secretary, Department of Transport, D.K.S. Bhawan, Raipur (C.G.).

3. The Commissioner, Transport, Raipur (C.G.).

4. The Collector, Ambikapur District Surguja (C.G.).

5. Shri S. K. Kanwar, Deputy Regional Transport Officer, Regional Transport Office, Jagdalpur, District Bastar (C.G.).

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CLERK to A. G. BILASPUR
22/12/06
P.R. No. 7745/06
Presented by Shri V. K. Pandey
dated 22/12/06

MEMORANDUM OF APPEAL UNDER RULE 157 (10) OF THE C.G. HIGH COURT RULES, 2005

(62)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.A. 06/2007 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH -:

HON'BLE MR. L.C. BHADOO, Ag. C.J. &
HON'BLE MR. SUNIL KUMAR SINHA, J.

07.02.2007

Shri V.K. Pandey, counsel for the appellant.

Shri U.N.S. Deo, Govt. Advocate, for the State/ Respondents No.1 to 4.

Shri P.P. Sahu, counsel for caveator S.K. Kawar.

Heard on admission.

This is a writ appeal filed by the appellant against the order dated 11.12.2006 whereby the petitioner's writ petition challenging his transfer order dated 24.11.2006 (Annexure A-1) has been dismissed.

We have heard counsel for the petitioner and have also perused the impugned order.

It is evident that the petitioner was transferred after completion of 3 years of service at a given place. More over, it is a well settled law that the transfer is an incidence of service. Unless the transfer is an out-come of mala-fide exercise or against the statutory rules, the employee cannot challenge the transfer order.

In that view of the matter, we are of the considered opinion that petitioner has not been able to make out a case to interfere with the impugned order.

The writ appeal is liable to be dismissed and it is hereby dismissed at the admission stage itself.

Accordingly, M.W.P.No.234/2007 for grant of ad interim writ stands dismissed.

Sd/-
Ag. Chief Justice

Sd/-
Sunil Kumar Sinha
Judge